

NEWINGTON TOWN PLAN AND ZONING COMMISSION

October 28, 2009

Regular Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Town Council Chambers at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Casasanta
Commissioner Ganley
Chairman Hall
Commissioner Kornichuk
Commissioner Pane
Commissioner Pruett
Commissioner Schatz
Commissioner Aieta
Commissioner Camerota
Commissioner Lenares

Commissioners Absent

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. PETITION 25-09 – Assessor Map 11-335, 00A, East Cedar Street (North Side), 29 acre vacant parcel approximately 730' west of the intersection of East Cedar and Russell Road, Marcap Co., LLC, owner, Toll Brothers, Inc., 53 Church Hill Road, Newtown, CT 06460, applicant, represented by Attorney Thomas J. Regan, Brown Rudnick, LLP, 185 Asylum Street, 38th Floor, Hartford, CT 06103-3402 request for Zone Map Amendment CD Commercial Development District to R-12 Residential District. Withdrawn by applicant on October 19, 2009, hearing cancelled.**

Chairman Hall: If you have an agenda you will see that we have listed two public hearings, this was printed and sent before we had some further information on the first petition, and Ed, I'll ask you to explain about Petition 25-09.

Ed Meehan: Petition 25-09 is an application by Toll Brothers for the Marcap LLC property on East Cedar Street, a twenty-nine acre parcel, a request for a zoning change. Subsequent to the posting of the agenda and the legal notice, the first legal notice, October 19th, the applicant withdrew their petition so the public hearing has been cancelled. The Commission will not take any public hearing testimony on Petition 25-09.

Chairman Hall: Thank you Ed. That takes us to the second petition,

Commissioner Pane: Madam Chairman, if I could?

Chairman Hall: Yes.

Commissioner Pane: Thank you very much for recognizing me, Madam Chairman. I want to thank the public for coming out. I know that the previous Petition 25-09 was a very important issue, very critical for the Town of Newington. There are also two other critical pieces of property up on the ridge line, one belongs to the Balf Company which is 94 acres and another one belongs to Cedarcrest Hospital State of Connecticut and that is approximately 72 acres. All three pieces of property are very critical in determining the shape of Newington in the future. This Commission has been battling for years on what to do with this property. I've been on this Commission previously for ten years, Commissioner Aieta has been on this board before for many years and it's been a trying subject trying to figure out exactly how much open space and how much development you have on the mountain. I don't think that this Commission is going to be able to figure this out in one or two meetings. I know we have our next public hearing tonight is about our Plan of Development but this matter here on the ridge line is very complicated and I think that all three pieces of property have to be addressed, so I would like to propose to the, my fellow Commissioners that we put a moratorium on all those three pieces of property, until June 15, 2010 so that we can study this issue and figure out exactly how much open space and how much limited development and what kind of development could go on that ridge line. This also gives the Council an opportunity to figure out whether or not they want to purchase the property or not. So at this time I would like to make a motion, I'd like to make a motion to have a moratorium until June 15, 2010 on the following three parcels of property, the Marcap LLC 28 acre piece, the Balf Company 94 acres, and the Cedarcrest Hospital property, 72 acre parcel so that the TPZ can study open space and develop concerned issues. I would hope that one of my fellow Commissioners would support this and second this so that the Commission can discuss this further. Thank you.

Chairman Hall: Thank you Domenic, but I don't think that was the proper spot to bring that up. We are going to be talking about the proposed 2020 Plan this evening and I think it would have been good if you had waited until we had gotten to that part to discuss this.

Commissioner Pane: Well, I chose this opportunity and I would hope that I would get a second so that we can discuss it and then if it goes down, it goes down. If my fellow Commissioners aren't in favor of it, no problem, but I think it should be discussed because it's very critical to the Town of Newington and there's a lot of unanswered questions and I don't think this Commission is going to be able to do it over a short period of time. I think the moratorium is a reasonable period of time. At first I thought maybe one year, but then I felt that was unreasonable to the property owners. I think a six month period is reasonable period of time so that this Commission can look at everything over there, all pieces of property that are going to have open space.

Commissioner Kornichuk: Madam Chairperson, I'll second the motion just for the motion being seconded so that we can discuss it, seeing that it was put forth right now.

Chairman Hall: Motion has been moved and seconded, discussion?

Commissioner Ganley: There is a problem with the parcel up on Cedar Ridge which was brought to our attention during the last public hearing, presently it is zoned already for commercial, which means that someone, as early as tomorrow, can come in and under the present zoning submit an application, to do something with that particular parcel. I think that would be detrimental to the owner of the property to be told in advance that there is a moratorium on the use of his property. That is, someone can't come in and file a petition under the present zoning. I don't believe that we have that kind of authority that we can prohibit someone from coming in, some honest broker, whatever, coming in and saying, look, it's presently zoned, consider my site plan, and we have an absolute obligation to consider that site plan under the particular zoning, so I think that particular

parcel which has certainly been a bone of contention here, it just isn't going to fly. I think that someone would be in here with some kind of an injunction against us, the owner more particularly saying, you can't tell me that I can't do business with somebody for six months under the present zoning which is Business Commercial. I think we would have a very significant problem. The other two parcels, one has a couple of buildings on it, I don't know that those buildings are going to come down any time soon, but I think we are a bit premature in this whole concept of looking at the entire mountain top when in fact there is already something in our Plan of Development, there is already something in our mapping structure that addresses those issues, I don't know why six months is critical when the Council is going to get this particular plan with whatever modifications are made over the course of time, to them, and they are probably the best venue to resolve major land use issues, especially as it relates to open space, since we have no authority to designate land as open space, only the Council does because they have the purse strings and can enter into negotiations with a property owner to somehow get a piece of land from him, for open space. Thank you.

Commissioner Pruet: I understand what Commissioner Pane is trying to say, he makes some very good points but I think we should analyze this and discuss appropriately, however I think we should, I hear what Tom is saying too, perhaps that motion could be referenced to the Town Attorney for an opinion because I do see some ramifications on that, possibly like if somebody else comes in with a site plan or another position for us to consider. Also, I also would like to further what Commissioner Pane had to say too, possibly is that if the Town Council could see to have another set of eyes look at this, a professional for recommendation, maybe an 8-24 referral to get an opinion on how we should develop the property too.

Commissioner Ganley: You are talking from a legal standpoint or....

Commissioner Pruet: Well, either from a legal standpoint from our Town Attorney considering Domenic's proposal, and my own personal opinion on it is if the Town Council could look at that from a development standpoint, a professional opinion.

Commissioner Aieta: I don't think it is groundbreaking to have a moratorium. We have had moratoriums in this town on several occasions in the past where we have put moratoriums on the construction of condominiums for study by the Commission, so it's not groundbreaking, it's not something that is unusual. I think the Town Attorney, the opinion from him would show that this Commission has the authority to do that, to study this. I don't think we have enough time and aren't giving the Council enough time for them to do their due diligence on the question of open space, in the time that we have, so I think this motion is appropriate, if we want the time to study these parcels in detail and be able to get back to the Council with some concrete information so they could make the determination as to whether they wanted to purchase, or what their opinions are as far as open space is concerned.

Commissioner Ganley: The difference between the moratorium on the condominiums and the moratorium on the land use are very different, there is a significant difference between the two. This motion precludes a property owner from dealing with either an entrepreneur or the town in disposition of the land that he owns irrespective of what may go on there. Once he has made some kind of decision, then it comes to us as just the site plan, so in this instance we may say, for instance the condominium issue, we don't want condominiums, but today, as the land is presently zoned, I don't think we can tell a landowner that for six months you can't deal with a buyer for your particular property because we're telling you in advance, we don't know what we are going to do with it. Yet he looks at this piece of property and says, but it's already zoned for this, it's already zoned, I should have the opportunity to deal with someone in connection with how the land is already zoned so I don't think that we can tell somebody, you've got to wait for six months.

I don't think we have that authority, and I think we could get into a lot of trouble if we try to do something like this.

Commissioner Pane: Madam Chairman, I'd just like to state that town Planning and Zoning Agencies do this all the time and I did check into this legally and the biggest concern, legally speaking is that it has to be a reasonable period of time. This is why I originally thought a year but a year was an unreasonable period of time, so I felt that six months was a reasonable period of time. So that we could study this more in depth and put all parcels together and then work with the Council and then present a plan to the Council and then if the Council decides to buy it as open space, then they buy it as open space. If they don't then the developer has an opportunity to develop it. We might want a combination of some development and some open space and without looking at this in a more thorough fashion okay, more in depth fashion, we are not going to be able to determine this in one or two meetings, and that's why moratoriums. Town planning and zonings do this every day. I've researched this, this can be done, it's legal and I think it's something that we should do in order to shape the Town of Newington for the future. Thank you.

Commissioner Casasanta: I understand that this is a very complicated issue and I agree with Dom in that we can't resolve something like this is just a couple of meetings. But I agree with Commissioner Ganley one hundred percent. It's already zoned, and I don't think we should, regardless of whether or not we can, I don't think we should be telling the property owner, for something that is already zoned for a particular purpose, that they can't use it for the purpose that it is already zoned for. That's my two cents.

Chairman Hall: I agree with the concept that the Town Planning and Zoning have the right to do this, they also can do it at any time. My question is, at this point, it has sort of dropped into our laps, out of the blue, and I think this is something that definitely needs to be discussed and I don't think it is something that we should make a five minute decision on. You are correct in saying that this can be done at any time. Our purpose here tonight was to go over the Plan of Conservation and Development which we will be doing, and it is at that time, during public participation and Commissioner participation that this type of idea can be put forth. That's the whole purpose of having this public hearing tonight. If this is the type of thing that people are interested in doing, present it to us, let us think about it, let us deal with it, but to have it put on the table, essentially out of order, out of the blue, I think puts us in a bad position because we have not had any time to think about this either. Other comments?

Commissioner Pane: Well, Madam Chairman, if you think that, if some of the Commissioners think that this is not a legal fashion, then I'll table this until next meeting and I would request the Town Attorney's opinion on my proposal and then, that's what I would like to do.

Chairman Hall: Well, right now we have a motion.....

Commissioner Pane: I don't think I'm out of order.

Chairman Hall: We have a motion and a second to put a moratorium, we've had the discussion, are you saying that you now want to change your motion?

Commissioner Pane: For you and my fellow Commissioners, I will table this until the next meeting so that we can get a Town Attorney's opinion, since some of the Commissioners feel that this is not legal.

Chairman Hall: So what is your motion, we have a motion and a second?

Commissioner Pane: I'm tabling this motion, I'm going to withdraw this motion.

Chairman Hall: Withdraw it, okay, and the second withdraws as well?

Commissioner Kornichuk: I'll withdraw.

Commissioner Pane: I would like this on the agenda for the next meeting with the Town Attorney's opinion.

Chairman Hall: We can do that. It has been withdrawn and seconded, all in favor?

The vote was unanimously in favor of the withdrawal with seven voting YES

Chairman Hall: So we will put this, we will give it some more thought, we will have the chance to think about this, and put it into the proper perspective.

Commissioner Pane: We will put this on the agenda for the next meeting and have the Town Attorney's opinion, Madam Chairman?

Chairman Hall: Yes we can do that.

Commissioner Pane: Thank you Madam Chairman.

**B. Proposed 2020 Plan of Conservation and Development – Chapter 126, Section 8-23. Proposed by the Newington Town Plan and Zoning Commission.
Continued from October 14, 2009.**

Chairman Hall: Now this is the proposal that was presented last time, it was two weeks ago tonight. It is for the 2020 Plan of Conservation and Development, this is the second time around and it is a public hearing which means the public has the chance to come and speak to us. Give us your ideas, tell us what you like, what you don't like, give us some direction. Having said that, anyone wishing to, Ed, you are going to have a power point, I believe.

Ed Meehan: I can do a very abbreviated power point.

Chairman Hall: We had a power point the last time, many of you were not there, so we are going to give you an overview as to what the proposed 2020 Plan looks like.

Ed Meehan: This Plan is done through the Connecticut State Statutes requiring municipalities to update their plan of Conservation and Development every ten years. I'll give you a very brief summary. This has been available on the town web page, copies at the library and the town offices.

The plan starts off looking at trends and opportunities over the next ten years. We have a very limited supply of land available left in Newington for development for any type of commercial or residential or open space use. Only eight percent of the land in Newington is still available and about sixty percent of that, or about almost four hundred acres of that land that is left has developmental limitations because of wetlands, flood plain, steep slope terrain, so we have to deal with that over the next ten years going forward. We do have some opportunities looking forward because of our location in the capital region, some of the larger regional programs that are being discussed, the transit oriented development, transit busway and rail all go through Newington so you will see that theme in the plans as we move forward.

This is a copy or an illustration of the land use map. The white areas on this map are the larger areas of open space that remain. Some of these, for instance over near Cedar Street between the future busway and the Amtrack rail corridor, the large piece of open space in here, essentially that is all flood plain and wetlands. There are some pieces up near Fenn Road, opposite Route 9

that have development opportunities. Down on Culver Street near the back of the Grantmoor, the diving range, over at the corner of the Peckham Farm, there is some vacant residential land, in the town center, Constance Leigh Drive, Hartford Hospital has some land right off the town center, and as you move forward, going north on Cedar Street, as has been discussed earlier, some of the parcels on Cedar Mountain are available.

Plan vision, protect our environmental resources, maintain historical resources, continue to be a primarily medium density single family owner occupied community and putting a high priority on maintaining the quality of our neighborhoods. Placing high priority on the town center, places of congress, development and government, recognizing that our quality of life in Newington as far as the services that are provided are enhanced by quality grand list growth, which has to be considered.

The purpose of the Plan I mentioned follow statutory requirements, the Plan is general and long range. The Plan is ten years, it's advisory, it's a policy document which this Commission will use in making decisions on zoning changes to the map and amendments. It's something that will be available to boards and commissions, particularly the Town Council when they formulate their five year plan for the capital improvement budget.

The Plan is divided into three themes, Conservation, Development and Infrastructure. I'll go through these quickly. The Conservation component, the strategy here is to protect natural resources, water courses, steep slopes, flood plains. This map illustrates the basic environmental resources, how they are distributed in Newington. The red area is called a channel encroachment line, this was established by the State Department of Environmental Protection many years ago. It basically encompasses the large flood plain area of Piper Brook system, the area in green inside the red line. This runs from the City of New Britain northerly towards Hartford into the south branch of the Park River. The other major water basins in Newington are Mill Brook which drains from the center of town northerly and joins with Piper Brook and again flows north into Hartford. Rock Hole Brook with drains essentially from Churchill Bridge southwesterly to the Webster Brook system and down into the Mattabasset system. The green is the wetlands, major chunks of wetlands, blue are the water courses, the brown that you see over on the easterly side of town starting out in the Little Brook, Barn Hill section are areas that have slopes in excess of twenty-five percent have been mapped. The geological features here are basically that it is trap rock. You can see ribbons of this as I move the pointer up. This big chunk here is south of East Cedar Street, it's the ridge that sits above Forest Drive in the back of Centerwood, Southwood. This area in the middle is the cut where the new Cedar Street went through, and we have at the toe of Cedar Mountain near the regional center the beginning of another part of the ridge line, the westerly side of this piece. This next piece up here is the Balf piece, it's about sixty, sixty-five acres, with a big ravine of wetlands in that piece. Then we get into Cedarcrest Hospital. This whole area right here is Cedarcrest, quite a bit of ridgeline along Cedarcrest, then we drop into Balf Quarry, a forty foot hole in the ground, below sea level and up in this corner is Cedar Hill Cemetery. So those are the basic resources that shape Newington's development patterns.

Our strategy in looking at what we have already acquired and what we have for private/public institutional land, the Commission has discussed the concept of linking these areas together, walking paths, bike ways, mountain bike paths, trail systems, taking advantage of quite a bit of open space that is already available in Newington, starting in the greenways that we have on Twenty Rod Road, through the center of town, through Churchill Park, and the former I291 land. This big blue area over here is known as CCSU east campus, that they may be developing some day, that runs parallel to the future busway so we would have an all purpose trail up to the north end of town, and then linkages through the town, through our park system, Mill Pond Park, Indian Hill Country Club, through the town center, over Old Highway and then up, some area up through Cedar Mountain to Hartford. When you get into Hartford you get into Cedar Hill Cemetery and then to MDC reservoir. That is a conceptual outline of a possible open space trail system that the Commission recommends.

Community assets, these are the historic and the public building features in Newington. We're talking about some key agricultural sites that are still left. The value that the town placed on farm land in the past ten years, acquiring the development rights to the Eddy Farm and the Deming Young Farm, then some large pieces of open space that are significant such as the Indian Hill Country Club, the town green at Cedar and Main Street, across the street at Mill Pond Park, and then an example of a greenway is Twenty Rod Road that runs down along the Wethersfield, Rocky Hill, Newington town line. Some of the historic sites are the town center ancient burial ground, the Kellogg Eddy House, and the Kelsey House. Institutional properties which is important to maintain as the government center is the library, town hall, senior/disabled center and the police department. It's significant when you look at some of these cultural pieces reflecting what the town Planning and Zoning Commission, Conservation Commission and the Town Council did in the last ten years. We acquired or protected as much open space as was developed in Newington by the purchase of the Young Farm and the development rights to the Eddy Farm as well as the land that was conveyed by the Department of Transportation to Newington on the former I-291 land. That's the land that runs through the middle of town, so when you look at subdivisions and residential and commercial activity, it's almost fifty-fifty. Quite a bit of open space was protected in the last ten years.

Development, key areas to maintain the strength of the town center, look at the opportunities for transit oriented development, focus again on the major commercial developments on the Berlin Turnpike, protect neighborhoods from transitional and commercial encroachment. Here's an example of twenty-five, what we call opportunity sites. Each one of them have a little different attribute to them, I mentioned the site number nineteen over here near the City of New Britain as Central's future campus, a 120 acre parcel and other pieces within this array of twenty-five parcels we have both open space and development opportunities. Not all of these parcels are vacant, several of these are underutilized, commercial type that through better site planning, better organization and development, we can get more floor coverage and grow the grand list by reusing the sites we have, smart growth, we have infrastructure already in place.

The town center focus is a priority of this plan, we have recommended twenty-five strategies, I'm just going to touch on a couple of the highlights; maintain the scale and density of the center, look at the vacant land at the end of Market Square adjacent to Constance Leigh where we have almost twelve or fifteen acres owned by Hartford Hospital, we have opportunities there. We want to strengthen the town hall, library and government center and then possibly look at opening Mill Street again to through traffic with the condition and the caveat that there be strong pedestrian protection and traffic calming in that location.

Streetscape improvements are recommended, work with the post office to redo that as part of the Lowry Place redevelopment plan, with that property owner. Continue to support festivals and business opportunities in the town center. Residential, again key is to maintain our single family owner occupied density, strengthen the buffers where we have commercial/residential areas, use the CIP which is the five year capital improvement plan to maintain quality streets and sidewalks, look at a property maintenance code. This goes well beyond the blighted ordinance and what zoning can do to, property maintenance code, other communities have been successful in doing this, it gets into things such as site litter, tall grass, debris on property, things that do not come under the legal aspect of zoning and it is something that the Town Manager is working on right now. Housing rehabilitation loans, over the last fifteen years we have loaned almost seventy-five single family owners small city loans to make improvements to their homes to code upgrade and we are talking about very limited areas where we might have opportunities for some higher density housing associated with transit orientated development sites at Cedar and Fenn and Newington Junction. Conceptually it looks like this on the residential plan, transit orientated development over on the west side of town near Route 9, Cedar and Fenn, up at Newington Junction, the former Cashway area and Francis Street, possibly in the town center on the Constance Leigh site.

Business development, our industrial areas are pretty much used up, we have to do better to reuse what we have, focus on improving those under utilized sites. There are opportunities now

that we have acquired National Welding, we've completed all our environmental studies to recycle this and use this site as a gateway property and bring it back on the grand list.

Berlin Turnpike, basically we are talking about focusing development on the Berlin Turnpike at the East Cedar Street area, mixed use site has already been approved by this Commission, site plan review, special exception, zone changes, court cases and STC certificate. You will see here the Russell Road area is mentioned, adopt standards for protection of ridge line, which has a fifteen percent slope, I know that we want to hear more about that from the audience tonight, and reduce the traffic impact in this area. Work with development that do not have high traffic generation that will cause more problems on East Cedar Street.

The Route 9 corridor, we do have some opportunities, working with CCSU, they have to gain access to that site on Cedar Street, will be a major issue with traffic design and working with the intersection of Cedar and Fenn. There is an area just north of Ella Grasso adjacent to Route 9 that may have office park potential. Again, Berlin Turnpike is where we want to focus our larger retail uses. And possibly develop site plans for small neighborhood areas, Stoddard and Main, Maple Hill, New Britain Avenue, sections of Willard where we could help these smaller businesses do site plan improvements to improve their appearance, and functional parking lot and curb cuts. The business plan is pretty straight forward, the Berlin Turnpike corridor, Town Center and then the Cedar and Fenn/Central area.

Infrastructure, we have pretty much all water and sewer areas, are wall to wall in Newington. We talked about a government center, the library has talked about a very long range plan for expansion. They have acquired, through the library board the property across the street from town hall, this is the Mill Street area. If they were to expand we would encourage expansion in that area with additional parking, so that the library patrons have direct access from that parking to the library, you are not crossing Mill Street which, before Mill Street was closed was a safety issue for the pedestrians. Education, we have excellent school sites, well located throughout the community, there is no need for additional school sites or expansion based on the demographics that we looked at for population growth and school growth. We have a park master plan which the Park and Rec Board is working with as well as the Town Council to look at that as part of the CIP planning. Public works, we need to take into account providing transfer facilities and vegetation waste facilities for town residents. We are under a closure plan for Main Street for our land fill and we still want to be able to, after we close that, still have areas for recycling to be available for residents.

Community facilities I think is very straight forward, parks, school grounds or public sites.

Transportation strategies, we do have two long range plans for Cedar Street and the Berlin Turnpike which Newington cooperated with the Capital Region Council of Governments. There are short range elements of these plans for ramp improvements and intersection improvements for Ella Grasso and Cedar which have been endorsed by the Planning and Zoning Commission and the Town Council.

The CCSU campus will be a significant development when it happens because of the amount of housing and development that CCSU is talking to develop on Cedar Street. They control 120 acres of property, maybe half of that is usable because of flood plain and wetlands, that will have a significant impact on what will happen to the services on that side of town. Consider the reopening and realignment of Maple Hill and Cedar. This is an area where there are significant traffic accidents. There was a plan put forward by the Planning and Zoning Commission a few years ago endorsed by the Department of Transportation to relocate Maple Hill and to eventually open up Alumni through the former Torrington side, back to Willard. This would have the advantage of taking traffic off of Willard in front of the high school, reducing some of the traffic that now goes over Cedar, past the residents that live between Willard and Vincent Drive, reduce some of the traffic there, people trying to make their way to Route 9.

Lastly, we will continue to use the CIP, Capital Improvement Program to construct sidewalks, particularly in areas where there are gaps, near school and parks. There are some areas of town that could be served with public transit, with density high on Kitts Lane.

Then the strategies, MDC as I mentioned, pretty much full service development throughout town. Town properties, there are a couple of dead areas in town where our public safety personnel need cell tower coverage, in the southeast part of the town, over behind Little Brook and down in the southwest corner of town, John Downey Drive over by New Britain, Tremont, Stonehedge have areas of poor cell phone. There might be opportunities where the town could partner with cell providers on town property to close those gaps.

Finally, what the Commission has done, they have pulled all three of the themes together, all 123 strategies, Conservation, Development and Infrastructure and hopefully we will come up with a long range plan, a guide for the next ten years. This is what this looks like when you pull all of those planning components together. The green are the open space and fixed public lands, trail system, public space for commercial development, residential development, and if you notice, throughout all of the maps, the Commission has left this area in the northeast corner of town, about 385 acres of the Cedar Mountain, be (inaudible) for public input. So that's one of the things that the Commission wants to hear about from you tonight.

Let's go back one slide, how this is implemented over the ten years, the Commission is the legal authority for zoning regulations and map changes, they act on the applications, they use the plan and the guide for working with site plans special exceptions. The 8-24 referral is what the Town Council initiates when they spend local money, they buy, sell, or improve public property. It comes before the Planning and Zoning Commission and this Commission looks at this to see if it is in harmony with their plan. The Town Council uses this when they set their operating budget, and the town plan is a source of underpinning and documentation for state and federal funds. That in a nutshell is your plan. Thank you.

Chairman Hall: Thank you Ed. If you haven't seen it, there is a fifty-six page document, actually in draft form at this point, and that's why we are here tonight. This was the presentation by the Town Planner, it was an overview, obviously not all fifty-six pages, but it was an overview, and at this time we would like to hear from the public. Anyone wishing to speak in favor of the plan, come forward, state your name and address for the record, and this is your opportunity for any one of these fifty-six pages, all fifty-six if you desire, but this is the time that we want to hear from you about this plan and what you see is the future of Newington. Who would like to be first?

Bernadette Conway, 177 Hartford Avenue: I want to thank the committee for accommodating us in a larger area here, we do appreciate you being interested in anything we have to say tonight. I'm here tonight to discuss the plan, specifically pertaining to Cedar Mountain. In the past there was always a focus on preserving Cedar Mountain and this new ten year plan seems to have a lot of questions regarding Cedar Mountain. The focus is not on the conservation of it, and I don't want to see that change. I'd like to the mountain identified as an area for protection with zoning regulations regarding the fifteen percent and steeper slopes. It is a trap rock ridge, there are only seven in Connecticut, and there is a high priority for conservation. I'd like to go to page ten where it says ninety-one percent of Newington is developed. That is a very large amount of our town, and I think once again, we need to focus on the conservation part. On page fourteen, I'd like to direct your attention to the plan approach. The town plan has been organized around three main themes, which are intended to organize the overall approach to guiding the future of Newington. Under Conservation and Strategies, to protect and preserve things which are important to overall community health, character and quality of life. Under development, I'd like to just highlight, strategies to guide and manage growth and development in ways which will enhance Newington and help meet community needs. On page sixteen, under natural resources, general goal, ensure that environmentally significant areas are preserved in their natural condition, and provide limited passive recreational, education needs, such as hiking, etc. Protect ground water and streams from degradation and direct discharges, non sources of pollution. And, page eighteen, under open space and greenway, investigate options for raising funds to acquire significant parcels of land for open space and greenway trails for use by future Newington generations. Number seven, support the establishment of a local land trust or other organizations to assist in

the preservation of open space and the creation of greenway corridors. On page twenty, the general goal of the community assets, preserve and enhance those things, both physical and otherwise which contribute to the overall character of Newington and the sense of community. If Cedar Mountain, isn't one of those things, then I don't know what else is. I really do believe sincerely that Cedar Mountain is part of the fabric of our town, and we need to do every that we can to preserve it and conserve it. Absolutely every effort should be made to make sure that no development takes place and it is kept as open space. We have appealed to the Town Council and the Conservation Commission as well and are making every effort to look for grants and funding. I ask you to help us by doing your part. Thank you.

Chairman Hall: Anyone else wishing to speak in favor?

Audience: In favor, in favor, I don't think anyone is in favor. Anyone here in favor of putting condos on Cedar Mountain?

Chairman Hall: Excuse me, that isn't why we are here tonight, this is the Plan of Conservation and Development.

Audience: I heard Cedar mountain being mentioned.

Chairman Hall: Because that is a component of this town, and it is a section in this plan as well, it was up on the screen.

Audience: Right, that's why I'm here, to vote against and talk against the development of Cedar Mountain.

Chairman Hall: Okay.

Audience: I wouldn't like to see it changed, I wouldn't like to see a hundred condominium units on Cedar Mountain. Now I think part of the process is to give your name and address.

Chairman Hall: Yes it is.

Bernard Combs: I live on Whitewood, forty feet or less from the base of Cedar Mountain and I've been living in that same house on Whitewood Road for forty-six years. My children went to the fine schools in Newington, they are all going to college and they are all graduated. Cedar Mountain was a big part of their lives. It should be a big part of Newington. Just like there are many trees in the State of Vermont, it's one of the prettiest states in the United States, if you have ever been there. We have Cedar Mountain with the beautiful trees and bushes and you want to develop that, after all these years? As Mayor Wright says, we don't need the tax money and anyone who develops that mountain is doing it for one reason, greed. And I'll give you seven reasons why they shouldn't do it. Why they should not develop Cedar Mountain. Without elaborating, it will increase local traffic, harm the small business, will be loss of property values, environmental degradation, loss of community small town feel which is slipping away every day. When we moved here forty-six years ago, it wasn't a big town, but it was a beautiful town. Strain of public resources and schools would occur, disproportionate benefits to non locals, increases in crime, and failure to blend in with the surrounding architecture. Those are the seven reasons why you should not develop Cedar Mountain and one more reason, not that it would affect anybody in this room, but if it is developed, we're moving out of Newington.

Chairman Hall: Anyone else wishing to speak in favor of the Plan of Development.

Richard Harrell: I'm a principal of the planning firm of Harrell, Mickalowski Associates. I'm here tonight representing Toll Brothers and I would like to state for the record that I think it's appropriate that we are giving our testimony within the framework of the plan. The question is, do we support the plan, I think that clearly the planning process, the Commission has put a lot of time into this, and the area that is under discussion tonight and has been at previous public hearings clearly has been designated, identified as an area of special concern. I think it's an area we can all agree is a unique area in town and I think there is more in common in the room tonight than there appears to be at times. I would like to suggest that this area and similar to the discussion that took place before the hearing was opened tonight, that this area be designated in the Plan as a special design district area, maybe be called something such as the Cedar Mountain/Russell Road area which would allow you in fact to adopt the plan and in the plan would be a narrative saying that this area will be immediately considered under review of the zoning regulations for the area, again, consistent with the whole process that you have gone through, the mapping and all that says the zoning to be determined, and the district to be prepared and discussed would be really, a community effort between members of the community, property owners in the area, others, others that have concerns about the environment, and the various things that have been discussed and therefore could be done, as was mentioned earlier within a reasonable time period, within a reasonable forum for discussion. Part of it would be of course to address the things already identified in your Plan that are important in this area, protecting the Cedar Mountain trap rock ridge line, protecting important natural resources, linking open space areas together as greenway corridors, giving priority to preservation of land on Cedar Mountain which contains slopes of over fifteen percent. You could also of course take the fifteen percent as a standard to be deducted in your density calculations. Right now your zoning does not have a numerical definition. Buffering residential properties, things such as this you could all do. Here in Newington there has been a tradition of some special zones. Overlay districts you have in the village center, which is a design overlay district, you have the area that is the Willard Avenue development district which is not really a design overlay but it's a use overlay. It allows under special exception residential use within buildings, so this approach would not only allow time, for proper consideration, you have some standards that would be put right into the district, so that when anybody came to apply under the district, there would be specific standards and criteria to be met which would go beyond what is already in your special exception criteria that you have in your zoning regulations.

Chairman Hall: Thank you. You have come up to your three minutes, can you tie it up?

Richard Harrell: I can do that, yes. The last thing I would say that your plan, in chapter seven recommends under implementation, that certain things should be given a high priority, that this item be specifically listed in the plan as a high priority item. Thank you.

Chairman Hall: Thank you. Anyone else wishing to speak in favor of the plan?

Jeffrey Zelek, 55 Welles Drive No. To follow the gentleman who was just up here, I wouldn't say that it's a traditional overlays, I would call it more of a mistake than anything to kind of co-mingle zones like that. To get back to the 2020 Plan, Ed, I'd like to just thank you very much for this plan, I think the Conservation strategy section is outstanding, particularly, what I think you have done here is that you have kind of captured the tone that the people in this town want, you follow a lot of the current trends, as far as open space and greenways, trying to link everything together. Page 18, your general goal, I think this is awesome, and I'll just read it out for those of you who don't have a copy of this, "The goal here to create a town wide open space network that protects environmentally sensitive areas and provides residents with a sense of open space and relief from intensive development found in older suburban communities." I think that's us totally, you've nailed it, and I think this is the perfect goal for this town. Just a couple of small suggestions that

I'd like to make regarding the linkage of the open space. With this greenway design that you have here I think there is an opportunity with the Piper Brook flood plain, I think that is the area that is kind of bisected by Cedar Street, you have POP to the south and another wetlands to the north, perhaps in there you could put in some type of a boardwalk, something very low profile, very discreet, maybe turn it into a nature area for the residents to use, also, the greenway, I noticed that you are kind of going through Indian Hill Golf Club, but you kind of missed the Eddy Farm. There is no access into that area today. That's a beautiful area, it would be kind of nice to have a passive type of access through there, maybe have like a double gate system, kind of keep the cattle in but let people walk through there. I did have an opportunity this past weekend to be up in Williamstown, Massachusetts at the Clark Museum and they have a 140 acre parcel up there with the museum with a trail system and part of it has a pasture walk which goes through a large open pasture that has horses and cattle in it, and you are free to walk through there, and it's just a really nice experience, so maybe we can do something like that in town. The Cedar Mountain, this is an emerging issue. I didn't see this on any political mailer, I didn't hear any candidates talking about it, but I think this is going to be a (inaudible) for the next town council and this is where true leaders will emerge, so I hope that the town council that comes in after the election really puts some focus on this and gets it done, and Domenic, way to go.

Myra Cohen, 42 Jeffrey Lane: Just briefly touching on the center of town, stay with the three stories, we don't want anything taller there. Now, on the open space issue, I was on the Town Council that saved the Young Farm, I was on the Town Council that saved the Eddy Farm, we cannot always pick and choose our timing. Several town council budgets were affected by those purchases. We had the full support of the community, we had the full support of those councils, today I don't think there could be many people, or maybe there is no one who would consider those as poor investments. When Keith Chapman was our town manager he took the council on a tour up on the mountain, it's beautiful, it's just beautiful up there, but you don't have to go up on the mountain to see the beauty, as people have said, you can just be down below and look up and enjoy it. I would hate to see the time when we would have a bulldozer up there leveling the ground, cutting down the trees for future development. We would be destroying what Mother Nature has blessed us with. Don't let it happen. Thank you.

Ken Bower, 163 Olympia Avenue: I just want to say in general I believe that the plan that you guys have put forth really does appeal to the majority of Newington residents. Obviously the Cedar Mountain issue is something that we do need to take a serious look at, and I do hate to admit that I agree with something that a lawyer said, but when he said, as Commissioner Pane said, that we need to have a reasonable amount of time to look at this and evaluate it, I think we need to. I mean, we're not talking about a family farm that somebody needs to sell to put their kids through college, we're talking about a piece of property that was bought as an investment and as we all know about investments, occasionally they don't have good return. So, you know, if we are talking about a piece of property that somebody wants to flip and make money off of, well, you know what, it's bigger than that. We're talking about a piece of property that hasn't had any development on it yet, and we need to look at it, as your plan says, the future land use plan, what's best for the town, and I think we really need to have the time set aside, like Commissioner Pane said, to evaluate this and see what the town wants and how much effort everybody in the town is willing to put towards this piece of property. Thank you.

Rose Lyons, 46 Elton Drive: What I have to say isn't going to have anything to do with the mountain. I think everybody has said what they have to say. Overall, the plan looks good to me, I don't know if there was a 1990 Plan or a 2000 Plan, I know that there was a 2010 Plan and I've been around town long enough to hear a lot of plans about what is going to happen on Cedar Street. My daughter graduated from Newington High in 1998, at that time one of her classmate's mom worked for the Department of Transportation and she assured me that Alumni Road and all that area was going to be taken care of. She's now down in Washington, and Alumni road is the

same way that it was in 1998. In 1988, the Army Corps of Engineers came in and on Mill Brook and Piper Brook did some work down there and I was assured then that that area was never going to flood again. The brook is rising, it's starting to flood, and I see the plans are here once again to do something about it. I look around town, and I have been here for over sixty years, I see blighted properties. I don't like what I'm seeing. I fought with the Post Office to try to get them to do something about their mailboxes. They can't seem to see eye to eye with me, with the Town Manager, with the Town Planner, with anyone. I go around town and I see a lot of things that I didn't see here fifty years ago. It's fine to have a plan, but I think we better get that plan in place and then people should be held accountable for these plans that have been going on and on and on, not being taken care of. It's fine and good to think about the center of town, it's fine and good to look at other areas, but Cedar Street is a mess. If anybody wants to shop in the center, they can't even get out onto Cedar Street at four or five o'clock at night. So maybe we can concentrate on the things that have been our focus for ten or twenty years now, and not go forward, but start right now and go backward and see what we haven't completed and finish what hasn't been done before we start something new. Thank you.

Michael Fox, 1901 Main Street: I'll be quick today. I agree, the plan Ed, Commission is excellent. It is the type of work that I have come to expect from our Town Planner and our Commission. I do like the idea of opening up Mill and Cedar Street. I think really, you know, you can't get to 131 Cedar Street from Cedar Street. Domenic, I am very intrigued by your suggestion that we have a moratorium and right now we are concerned about the 29 acres that Toll Brothers has an option on, but what happens if Balf decides they want to sell. There is a large section I believe to the northeast of there, along Russell Road zoned R-20 right now, and the Cedar Ridge development on the corner, there's nothing you can do about that, but I would like to see that discussed next week, the legal problems that are taken care of, and maybe for at least six months we can talk about it, and not be inundated as we have been in the last few years with one petition after another to change zone from where it is, to whatever they want for development. Thank you.

Gail Badreko, Isabelle Terrace: I wasn't going to speak tonight, I was just going to come and give moral support to the Cedar Mountain, but I admit that it is my own ignorance, I kind of got a double whammy here between the Cedar Mountain development and the high density housing in the center of Newington by Constance Leigh Drive. I was unaware of that. As the gentleman spoke here earlier about the character of Newington, the neighborhoods at the base of Cedar Mountain are some of the older neighborhoods in Newington. Some of the houses there, my mother's house is sixty-two years old, sixty-three years old. These are people who came here after World War II, came to Newington, the Town of Newington for quality of life. I see now with the development, destruction of the ridge of Cedar Mountain and now high density housing in the center of Newington you are destroying the character of the neighborhoods around that area, some of the original neighborhoods in Newington. I just feel that that is very unfortunate and I ask you to think about that. Newington is a town, but it's becoming a city, and I don't know what side of the fence that we are on. I want the Town of Newington, I want the character in Newington that my parents grew up in. Thank you.

Tom Bowen, 22 Woods Way: I have looked at your plan of Conservation and Development and the only thing that I ask you to think about in your plan are two verbs, conserve and develop. I think we need to focus a little bit more on the conserving than we do the development. First of all, starting off with Cedar Mountain. I would like to see you take a strong stance on supporting open space. I think that type of leadership from your group will permeate to the rest of town. Secondly, and this is why I came up, as the woman who spoke before me, I too have concerns about high density. High density housing is sprinkled throughout your report, I don't believe that Newington can handle that type of development, both our schools and our tax base. So, please focus more on conserving as compared to developing. Start with Cedar Mountain, and then take a look at the rest of the community. Thank you.

Marilyn Miller, 2 Buck Street: I just got this today, so I need some time to look at this myself. What I have been viewing that is stated right in here, is the projection of the population of this town in twenty years, and the population is going to decrease. So therefore, just based on this report that I'm sure this Committee has put together, the projection is almost 3000 people less in 2030, so that to me means that we need less residential housing and on page 12 we also have, it's listed land use, residential use, commercial use, and it's, fifty seven percent is zoned for residential and twenty-five percent for mixed use and commercial and industrial. That seems pretty, if it's just on paper, seems pretty accurate for what a town should be reflected for. Certainly, I'm at the base of Cedar Mountain and I have a huge interest in that, because I have a very old house, and I have a brother who has worked for oil companies and knows about ridges and everything like that, and one little blast up there and my house is going to be under water. You start messing with ridges and zone maps or whatever, any development, residential or commercial, any kind of development up there is going to mess up the whole erosion patterns, the water table is going to be destroyed, is going to be changed, and will be changed forever and there already is a water problem, so I think the zoning should be, try to make it open space, I will try to call some important people that I don't know yet, and see if we can get some funding and maybe have a payment plan if they can buy the land from this Mr. Cohen, or whoever he is. I don't know how he got the land, had to have Hartford Hospital involved, but maybe we can offer him something and pay him in installments so that we can have open space. I think you people have the power to do that. I went to my first town meeting yesterday. They're leaving it up to you, so if you charge them to find a way to make it open space, I think they will have to find a way. Thank you.

Madie Kinney, 53 Crestview Drive: I'm here really just to make another plea for conservation over development. If you don't stop doing a lot of developing, you won't have to have the page on the conservation component, because there won't be anything to protect any more. I have not gone through this to the depth that I hoped that I would be able to, but it concerns me, since I have been involved with, how to put it, the parking lot, center of town, and on the town center focus, promoting a variety of specialized business uses, I'm not quite clear on what that precisely means. I would be definitely opposed to condominium complexes in the center of town and I think if you look at the pictures of our country from space, which they have put on line, the ones at night time, there's nothing but white between Boston and New York and that goes by the name of urban sprawl. I would love to see there be a tiny, tiny gray dot that we could claim as Newington. We are surrounded by towns except for Hartford, a city and New Britain which is a city. I like a town, I do not want to become a part of urban sprawl and I would make a suggestion, if you are looking to develop, East Cedar Street is our gateway, it's a mess. So if you want to do some developing, develop that, put something in those planters besides weeds. Thank you.

Chairman Hall: Anyone else wishing to speak in favor of the plan? Anyone wishing to speak in opposition to the plan? Come forward, state your name and address for the plan. Anyone wishing to speak in opposition for the plan?

William Mattia, 48 Buckingham St.: Basically I would just like to say, I'm up on that mountain probably three or four times a week with my dog, and as I look around this room I don't see any of the people that I do see up there, but I do see people up there and I don't think that this is even, you know, there are a lot of people here tonight but I don't think it is representative of how many people do enjoy those woods there, not to mention the animals. Last winter looking out my window late at night, I could see on many nights deer in my back yard or in my front yard, foraging for food and what that leads me to believe is that there is not that much up there for them as it is, never mind if we get rid of it, so I'm in favor of keeping it as it is.

Chairman Hall: Anyone wishing to speak in opposition to the Plan of Development? Anyone wishing just to speak? Not in favor, not against, but you just have something that you want to say

concerning the Plan. You don't feel that it falls into a pro or a con, it's just something that you want to say about the plan. This is your chance. Anyone wishing to do that?
Seeing none, I think that at this point, it has been open for two meetings, we have had the public input, we've had the input from the Council in the sense that they said that they are not interested in making any changes in the plan, so at this time.....

Commissioner Pane: Madam Chairman, I think we should keep this meeting open for another public hearing. I think the Town Planner should do some advertising, not advertising, but notices in the papers, so additional notices out to the public and I don't think there would be any harm on keeping this open one more meeting. Thank you, Madam Chairman.

Chairman Hall: It has been advertised. I just want to be sure that everybody understands that. The Town Planner has put notices in the paper, there have been articles in the paper, Town Crier, the Courant, believe it or not actually had something, we've been on TV, so as far as advertising, we have advertised. So I just want to make that clear. I don't want anybody to go away tonight thinking that somehow this is something that we are trying to slip in. We have been working on this over a year, and this is the second public hearing that we have had on this particular topic, we have talked about it in our regular meetings, it is not something that is new. I'd like the consensus of the Commission to either close it this evening, or to leave it open for a public hearing one more time.

Commissioner Aieta: If you close the hearing tonight, the clock starts ticking on the action of the Commission to adopt the plan which is sixty-five days. I don't think that, I think that we should keep it open so that we have more time to go over the additions that were brought tonight, so we have more input as to how we are going to proceed with this. If we start the clock ticking, we are going to be put in a position that we have to act too quickly without doing our due diligence. By keeping the public hearing open, for maybe more than the next couple of meetings, we don't start the clock ticking on the sixty-five days. That would be my suggestion as to why we keep the hearing open.

Commissioner Ganley: Frank, what you are suggesting is that maybe two more weeks, two more calendar weeks, fourteen calendar days added onto the sixty-five days, is that correct?

Chairman Hall: Actually thirteen days, we are going to be moving back at the next meeting.

Commissioner Aieta: I'm suggesting that we keep it open until we, even further than the next two or three meetings.....

Commissioner Ganley: Okay, because you didn't clarify when you first brought it.....

Commissioner Aieta: I'm saying, we need more time to go over the plan in detail and if we start the clock ticking on sixty-five days, we might run out of time, and be forced to act on a plan that was not fully understood or have our input into.

Commissioner Ganley: Thank you.

Chairman Hall: Anyone else? My thought was that we would close it this evening, but move it to Old Business so that we could discuss it tonight and two weeks from now have another discussion on it. If we don't feel that we are ready at that point, it would be sixty-five days from tonight, which is over two months, that would bring us essentially into the first of the year, end of December, first of the year.....

Commissioner Pane: We only have one meeting in December, Madam Chairman.

Chairman Hall: That's true. But if we start the discussion this evening, then it will give us at least four meetings to discuss it. That is my thought. I'd like some input from the Commissioners.

Commissioner Schatz: I'd first like to thank all of the people for showing up, it's given me personally a way that I should be thinking. If you read our mission statement, part of it was to protect the ridge line. That's in our mission statement. We've had a year to discuss this and I don't think that Mr. Aieta was at all of those meetings, but we beat this thing to death, it went before the Council, they said we could go ahead with it, Myra is shaking her head no, but on the other hand, how long do you study something before you put it into effect. My feeling personally, I want to protect the ridge line, that's me, the gentleman said he had lived in town forty six years, I've lived here sixty-eight. I don't see any reason at this point to leave it open to repeat the same things and let's get on with what the public would like us to do.

Commissioner Ganley: Two issues were brought up here, and that was the Council's action regarding the Eddy Farm and the Young Farm as how the Council negotiated the property with the authority that they have to acquire those two parcels. What I am surprised at is that the Council members who are present seem to be rather silent on the fact that they have the sole authority to negotiate with a land owner over the issue of open space. That we cannot regulate, our Commission cannot regulate into existence open space. I was just very surprised that this issue hasn't been called back to the Council for the purpose of, we don't appropriate money. We have our rules and regulations that sometimes are supposed to keep us from doing dumb things, doesn't always happen. The Town Council has the sole authority to deal with the land owner if the desire is, in the public view to acquire that property for open space. We as a regulatory agency in fact, do not have that authority. I want to stress that again, and I'm very surprised that the Council members here this evening didn't bring that to your attention, and suggest to you that you appear at their meeting and have them call it up on their agenda, and loosen up the purse strings, and if you want to get that as open space, enter into some honest, productive negotiations with the landowner, acquire that piece, and then they can declare it open space. Thank you.

Chairman Hall: We are still discussing whether we think it is necessary to keep this open, or whether we feel that we can close it tonight, start discussion this evening, and continue it for the next several meetings.

Commissioner Pruett: I don't see a problem with keeping it open for maybe one more meeting, I think in case something earth shattering happens, but I would rather err on the door open for one more week, and then I think we have enough information here to go forward with it and close it.

Commissioner Kornichuk: I'll go along with Dave and Domenic, I don't see a problem with holding it open for at least one more meeting and discuss it at the end of another meeting, if we need more time.

Commissioner Casasanta: I want to thank everyone who has come out to speak on this extremely important topic. We've heard a lot of comments these past two meetings, the comments have all kind of been in one direction, which is fine, I think when we have another meeting we will probably have more of the same, so I don't think as a Commission that we will glean anything in addition, but I certainly don't have any objection to leaving it open one more time, just to err on the side of caution. Actually, I don't think it will buy us anything but by the same token, just to err on the side of caution, I can see leaving it open one more meeting.

Commissioner Ganley: Actually, I don't either Mike, nor Dave, nor Pete, but for a different reason. Between now and the next time that we bring this up, I hope it is the object of the Council to get this issue before them, where it should properly be resolved before it comes back to us.

Since they're the ones that are going to be opening the purse strings, or opening up the wallets to do something as relates to open space, we ought to at least find out what their thoughts are on this, and then come back to us and we can settle this issue once and for all.

Commissioner Pane: Madam Chairman, I'd like to state a couple of things. I'm in favor of leaving this meeting open for another meeting, maybe a little longer. I have a few things that I'd like to request from the Town Planner. Also, a comment on Commissioner Ganley's thoughts. This Plan of Development comes from the TPZ. We make recommendations on open space and type of development. We present this, we approve it, it's given to the Town Council. If the Town Council feels that they want to purchase the property, they can purchase it. If not, it will be developed, but our job, our first and our highest priority is to determine how much of this land is going to be open space, how much of this land is going to be development, and what kind of development. Now a couple of things that I would like to request from the Town Planner. We have a Plan of Development from 1995 to 2005 and we have our new Plan of Development. I'm having a very difficult time determining what was, the old things that are in our new Plan of Development, nothing has been highlighted so I have to go back and forth from both of them. I never received a copy of the Plan of Development, the new Plan of Development in my packet with the changes that were made, and I think it would be extremely helpful for the Commissioners and I know it would be extremely helpful for the public to see clearly the changes from 1995 to 2005 to the 2010 to 2020. Also, I'd like to request some topo maps for the Cedar Mountain area. I'd like to know the top of the ridge, the toe in slope, and so I can see the inclines and things like that. I would like to have that in our packet and I'm sure my other Commissioners are having difficulty going back and forth from one Plan of Development to the other Plan of Development, figuring out what is in it and what is not in it.

Chairman Hall: Thank you Domenic. Anyone else.....

Commissioner Camerota: I too would leave it open to err on the side of caution, just one more meeting, probably should do it. We're had a lot of comments, probably will get some of the same comments but people may not have had an opportunity to speak or to look at the Plan of Conservation and Development, and then just one comment on something that Commissioner Ganley said, I believe that there were members of the public at the Town Council meeting last night, who asked that the land be kept as open space and asked the Council to find the funds to do that.

Commissioner Ganley: I wasn't aware of that, thank you.

Commissioner Lenares: I think what it comes down to, I would be in favor of leaving it open for one more meeting, because I think it comes down to a comfort level with the residents, with the Commissioners, it's obvious that some came here tonight and talking about the Plan of Conservation and Development concerning that one parcel, and now that you are looking at the town plan, may have other questions. Someone said they just picked up the town plan, had just been reading it for a few moments, they hoped to maybe get more time to look at it in further detail so as a comfort level from the residents, and for some of the Commissioners here, I think that maybe by leaving it open for one more meeting to allow them to go into detail with it, would make them more comfortable with the situation.

Chairman Hall: Thank you. All right, it is the consensus of the Commission that we will leave this open. I would like people to know that our next meeting will be one day early due to Veterans Day holiday, so we will be meeting on Tuesday, November 10th not Wednesday November 11th. So mark that on your calendars and we will see you back here. I'm wondering if that is a Council night as well, interesting. Well, you may want to get your forces that some of you attend the

Council meeting and some you attend the Town Plan. The Council meets in B and C, and we may be back up in three next time because there may be fewer people next time. We will be up in three, that settles that because the Town Council will be here for the induction of the new Council, Board of Ed. Come to Town Hall, it's going to be a great night.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes.)

Chairman Hall: You might want to hold on a minute, because we do have one section here that is Public Participation for items not on the agenda. In other words, not the Plan, but anything else that you want to talk about, this is your time, come before the podium, state your name and address for the record.

Tom Bowen, 22 Woods Way: I spoke a few minutes ago as a resident, now I'm going to take my remarks back as a Councilor. Last evening we did have people come before us, expressed their needs, some of the Councilors, myself as one, did offer a plan to purchase Cedar Mountain, money from the State, money from Humane Society, and money from the Capital Improvement Fund. So to speak directly to Mr. Ganley's comments, the Council has already heard and has responded, at least some Councilors did. Secondly, what I did a little while ago, I came as a resident, not as a Councilor and I was here to speak towards the Plan of Conservation and Development which was what the agenda called for. Chastising Councilors for not speaking off the agenda was inappropriate and I wish that you would consider that and apologize to Council members who spoke within the organization of your meeting. Thank you very much.

Rose Lyons, 46 Elton Drive: First, of all kudos to all of you for keeping this open, I have attended sixteen or so charter revision commission meetings, a couple of public hearings, only to have the Charter Revision Commission go ahead and vote to send the charter revisions to the Town Council without even taking into consideration any of our words that were spoken. I've also sat through Town Council meetings where the rules were waived on New Business and were voted on against the rules of the Council, until it was recently brought to their attention that they were in violation of the rules. Kudos once again, thank you for listening.

Chairman Hall: Anyone else wishing to speak under Public participation?

Stanley Sobieski, 26 Deepwood Drive: Good evening. One of the issues that I see happening time after time, after this board here, the Zoning Commission grants variances to various places, you know what happens, they don't give a damn about it. There is a particular item that I brought to Ed Meehan's attention, and one of the Councilor's attention, it was brought up later, about a place on Francis Avenue. I also went to the DEP about three other, two other places that, you know what happens, people knock down buildings, leave the contaminated areas there. There were four drums that were sitting on Main Street at Hartford Avenue. They have been sitting there for a couple of years now. There is a pile of dirt on Day Street that is contaminated, covered with a tarpaulin that was ripped, until I called DEP, they got it re-covered. This TPZ along with the Town Planner and along with the Town officials should be watching out for the residents of the Town of Newington. That's not in your plan, but it should be, because once a building gets closed down in this town people walk away, and the town is stuck with it. That's what is going to happen to a lot of these houses, they are going to fall into disrepair, especially with the economic times today. There was one on Hartford Avenue just got torn down because, you know why, somebody stripped the siding and walked away. This town has got the responsibility and this Commission along with the Town Council to keep the aesthetics of this town what it should be. You shouldn't let things fall into disrepair as they are right now and just let things slide. Thank you.

Chairman Hall: Thank you. Anyone else wishing to speak?

IV. MINUTES

October 14, 2009 – Regular Meeting
October 14, 2009 – Special Meeting – Pulte Homes Site Walk

Commissioner Pruett moved to accept the minutes of the October 14, 2009 Regular Meeting and the October 14, 2009 Special Meeting – Pulte Homes Site Walk. The motion was seconded by Commissioner Kornichuk.

Commissioner Pane: The Town Planner was going to give us an update on the zoning matter that came up at that site, and I didn't see anything in our packet.

Chairman Hall: Okay, I'm sure he will under his Communications and Reports. Anyone else have anything to add or subtract from the minutes. I want to thank Norine for a wonderful job on a very difficult meeting. Thank you.

The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Chairman Hall: Ed, any communications and reports? Domenic had a question about one of the items on the walk.

Ed Meehan: I think his question was did the property on the corner of Barkledge and the private road go to ZBA, no, they did not go to ZBA. The party who owns the property redesigned it, stairwell and the patio, and stayed within the conformance of the setback.

Commissioner Pane: Were they required to go to ZBA?

Ed Meehan: Initially they thought, initially the original plan that they came in with would have required a variance but through discussion with the zoning official there was really no hardship present and they figured a way out to redesign it by placing the stairwell on a different side of the property, patio was already graded, so they didn't need a variance.

Commissioner Pane: Thank you.

VI. NEW BUSINESS

None

VII. OLD BUSINESS

None

VIII. PETITIONS FOR SCHEDULING (TPZ November 10, 2009 *(Tuesday)* and *(Monday)* November 23, 2009.

Chairman Hall: Again, November 10th we will be in room three.

IX. PUBLIC PARTICIPATION

None.

X. REMARKS BY COMMISSIONERS

Commissioner Kornichuk: After our last meeting here, I'm kind of sorry that I wore such a bright sweater, I seem to have a target on me at the senior center now. As the gentleman just stated, Stanley Sobieski, turned in numerous complaints to me about stuff that he has found in town. It seems like he has taken a crusade since he has retired from the State, and he asked that I present this to Ed, tonight at the meeting and I also have a letter here from an Angela Sinnott, from 119 Stage Coach Lane, she is having water problems since Trotter Lane was built, and she also, since she overheard Stanley talking to me, asked me to present this to Ed tonight too, seems like I'm turning into a senior center messenger boy.

Chairman Hall: We'll make sure Ed gets those.

Ed Meehan: I've had conversations with Stanley on a couple of those items already.

Chairman Hall: Any other Commissioners?

Commissioner Pane: Madam Chairman, I'm very disappointed in one of the Commissioners, Commissioner Ganley wrote an editorial in the Newington Town Crier. He compromised this board, there was still a public hearing, that public hearing wasn't withdrawn and found an urge and a need to communicate certain aspects out there. This compromises our board, all the comments that he made in the paper could have been made at the public hearing, should have been made at the public hearing, it's totally wrong and we are lucky that that application was withdrawn. He should not have done that. That's not the place to speak, especially under Public Hearing. You cannot go into the newspaper under a public hearing and write editorials.

Commissioner Ganley: First of all, this is a letter, explaining procedure of what we do.

Commissioner Pane: It doesn't matter what it was, we were under a public hearing.

Chairman Hall: Anyone else wishing to comment?

Commissioner Aieta: To be perfectly honest with you, that is not the forum to conduct our business. The forum we use is here, not in the newspapers. When you speak for the Commission, speak for yourself.....

Commissioner Ganley: I did.

Commissioner Aieta: No, you spoke in there and it was perceived by the public that you were speaking for the Commission. You don't speak for me when you make arguments in the paper.

Chairman Hall: Anyone else wishing to speak on another topic?

Commissioner Schatz: Another topic, I think we should all work on our people skills.

Commissioner Pane: Bob, with all due respect,

Chairman Hall: You are not recognized yet.

Commissioner Pane: Well, Madam Chairman....

Chairman Hall: You are not recognized yet. Is there anyone else wishing to speak? Domenic?

Commissioner Pane: Bob, I appreciate your comment. I just, I find it very frustrating that a Commissioner feels that it was appropriate to speak in a public forum like that. It is illegal, it's wrong, and if the Chairman doesn't know about it, then maybe she should ask our town attorney because it is wrong.

Chairman Hall: Anyone else wishing to speak?

XI. STAFF REPORT

Ed Meehan: A couple of items to follow up on, after our site walk with Pulte, we have had conversations with the project team up there, they did pave the binder course. I know there was a concern about the quality of catch basins, before the Commission left the site that night the representative from Pulte agreed to remove all the catch basins that were damaged and put new catch basin tops in. They finished the surface course a couple of days after that, weather permitting. I was in contact with the home owners association's engineer yesterday, they provided their management people with a list of items that may or may not be bond items. They recognize that a lot of the questions that came up in our site walk, and questions from residents may not necessarily be covered by the site bond, but we're going to make an effort to coordinate one list and do another site walk with the project engineer, with Pulte, with our town engineer, with myself, put together a uniform list, agree on that, and come back to the Commission for a bond reduction. Right now the bond is at 1.3 million.

I have one other item, I got a telephone call from a developer, a property owner in town, Richard Hayes, Hayes Kaufman Associates who own the Rite Aid and Starbucks site, they were getting ready to do some fall tree trimming and pruning at that property, and the question came to me, how much of the trees can they remove on their property along Cedar Street? There are seven trees there, I believe they are well over twenty-five or thirty years old. They went in when the original project was developed by the Kanaris Family I think, so the question was, can they take them down? My request to him was to consider changing the canopy, raising the canopy, or removing every other tree to preserve the character of the street trees and the shape of the trees, similar to what was done at OFI up the street here on Garfield Street when they had trees very crowded. As a result the trees are much healthier, and the treescape looks better so Mr. Hayes asked if I would bring that to you for your guidance. Maybe you want to go out and take a look, between now and the next meeting, let me know what you think, I think the trees deserve to stay, but they are kind of crowded, and given that it is a low scale building, I'm not sure that much vegetation is needed, but I would hate to see all of them removed.

Chairman Hall: Was that his concern, that they have gotten over grown and so he's trying to thin them, because thinning them would be one method. Clear cut is probably not a good idea.

Ed Meehan: The option of every other one is the middle ground, thinning them is probably not going to do it because the canopies are all inter-twined. The trees were planted too close together in the first place.

Chairman Hall: Yeah, people forget that they grow. They look nice when they are little, but then they grow.

Ed Meehan: Yeah, I would request the Commission to take a look if you are out on East Cedar Street, there's no leaves on them right now, but you can get a sense of how dense they are from the branches and he will wait and get feedback on what you think he should do. Thank you.

Chairman Hall: Is that it?

Ed Meehan: Parking lot project is started, equipment is on site, sign is up, we're waiting for a fall project schedule from the developer. Another project has been started across the street at 90 Welles Drive, all the remediation for the building was completed, and the building is being demolished today. So we are ready to start working with New Samaritan transferring the property.

Commissioner Aieta: I have a question on the Pulte thing. There was a lot discussed on the field trip and it was obvious that a lot of the grading between the buildings needed to be corrected. Is that something that you are going to be addressing? It looks to me as if there is a lot of work that needs to be done as far as the grading.

Ed Meehan: Yes, what we asked or actually what we told Pulte and the people from the property management company was when there are areas of concern of grading that would have to wait until next spring. It's too late in the season to do anything worthwhile and that would be something that would be set aside until April or May.

Chairman Hall: Any other questions of Ed?

Commissioner Kornichuk: Yeah, I have one question. During the debate I overheard one of the candidates say within the next six months we are going to have a grocery store in the center of town. Is there any truth to that?

Ed Meehan: I don't know if there is any truth, at staff level I have been working with one firm, one grocery store that had interest over the summer, and then they sort of disappeared. The principal in the LLC partnership, Newington Center LLC has passed away. He passed away in June. I'm not sure, I heard there were people over there this week looking at the building again. The store that was interested, they contacted me, we provided them the full site plan, drawings, that this Commission approved over two years ago and they were doing their environmental, due diligence, copies of all building permits that we had in the file. So they may come back. The biggest issue of anybody taking a grocery store there, not so much, this is what I hear from them anyway, they feel that they have a good market in the center, they are concerned that if they go in there, buy the property, put a lot of money in, the vacancy of the other in-line stores. How they are going to carry their property if they have vacancies. So, I don't know if this is going to move forward or not, the six months, I'm not in the loop on that.

Chairman Hall: Any further questions?

XII. ADJOURNMENT

Commissioner Pruett moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary